

# In the United States Court of Federal Claims

No. 00-705 C

(Filed: August 10, 2007)

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THE BOEING COMPANY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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On July 23, 2007, plaintiff filed a motion for leave to file the transcripts of the deposition testimony of several potential witnesses, pursuant to RCFC 15(b). On August 9, 2007, defendant filed its objection to plaintiff's motion. Plaintiff has not indicated why it has been unable to procure the attendance of the witnesses by subpoena, pursuant to RCFC 32(a)(3)(D), nor the court does not believe that it is in the interest of justice to allow the deposition testimony to be used, pursuant to RCFC 32(a)(3)(E)(ii). Accordingly, plaintiff's motion is hereby **DENIED**.

If necessary, the court is prepared to receive oral testimony at a second location, in addition to Washington, D.C., and will consider a request to that effect upon receipt of an appropriate motion from one or both parties.

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra  
Judge